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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,036

09/03/2003

Masahiko Fukuda

SIC-03-032

2035

29863

7590

10/06/2006

DELAND LAW OFFICE

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EXAMINER

CHARLES, MARCUS

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/605,036

Applicant(s)

FUKUDA, MASAHIKO

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 8, 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-12 and 15-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3-16-2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to the response filed 7-18-2006, which has been entered.

Claims 1-25 are currently pending.

#### ***Drawings***

1. The examiner has accepted the drawing filed with this application.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 9-12 and 15-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP (1010613) in view of Kerdjoudj et al. (D451, 072). EP (1010613) discloses the claimed invention including the derailleur comprising a motor housing (56) which constitutes a base member having two base housing portions (56a, 56b), a motor enclosed in the spacing between the housing portions. EP (1010613) fails to disclose a misalignment structure inhibiting structure between the first and second base housing portions such that the misalignment comprises an interlocking structure. Kerdjoudj et al. disclose a housing having a misalignment mechanism comprising an interlock mechanism (not labeled, see previous attached drawing). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing bases of EP (1010613) so that the alignment mechanism include interlocking

features in view of Kerdjoudj et al. to make the connection easier and to ease the complexity of assembly.

In claim 2, note the derailleur is a four link mechanism.

In claim 3, note each links has a pivot such that two links portions having a pivot coupled to the drive mechanism and the other two to a chain guide.

In claims 4-7,9, 19-12, Kerdjoudj et al disclose the claimed invention.

In claim 22, note EP (1010613) discloses each of the first and second base members are structured to accommodate a screw (64, 66) extending therethrough.

In claims 15-21 and 23-24 Kerdjoudj et al. the claimed invention.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP (1010613) in view of Billman et al. (6,028,384). EP (1010613) discloses the claimed invention including the derailleur comprising a motor housing (56) which constitutes a base member having two base housing portions (56a, 56b), a motor enclosed in the spacing between the housing portions. EP (1010613) fails to disclose a misalignment structure inhibiting structure between the first and second base housing portions such that the misalignment comprises an interlocking structure. Billman et al. a housing structure (10) comprising a first base member (38) and a second base member (42), wherein each of the base members comprises a misalignment interlocking structure (see attached drawing). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of EP (1010613) to include the structure of Billman et al. in order to facilitate proper alignment during assembling.

5. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP (1010613) in view of Kerdjoudj et al. (D451, 072). EP (1010613) as applied to claim 1 above, and further in view of Kerdjoudj et al. (6,054,785). EP (1010613) in combination with Kerdjoudj et al. (D451, 072) does not disclose each or the first and second includes a recess for receiving the first and second ends of a tubular interlock member. Kerdjoudj et al. ('785) discloses a first base (16) having a recess (see attached drawing) and a second base (14) having a recess such that each of the first and second recess receives a first and second end of an interlocking member (34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the device of EP (1010613) to include the limitation of Kerdjoudj et al. ('785) in order to prevent inadvertent movement between the bases and enhance proper alignment.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.


#### ***Conclusion***

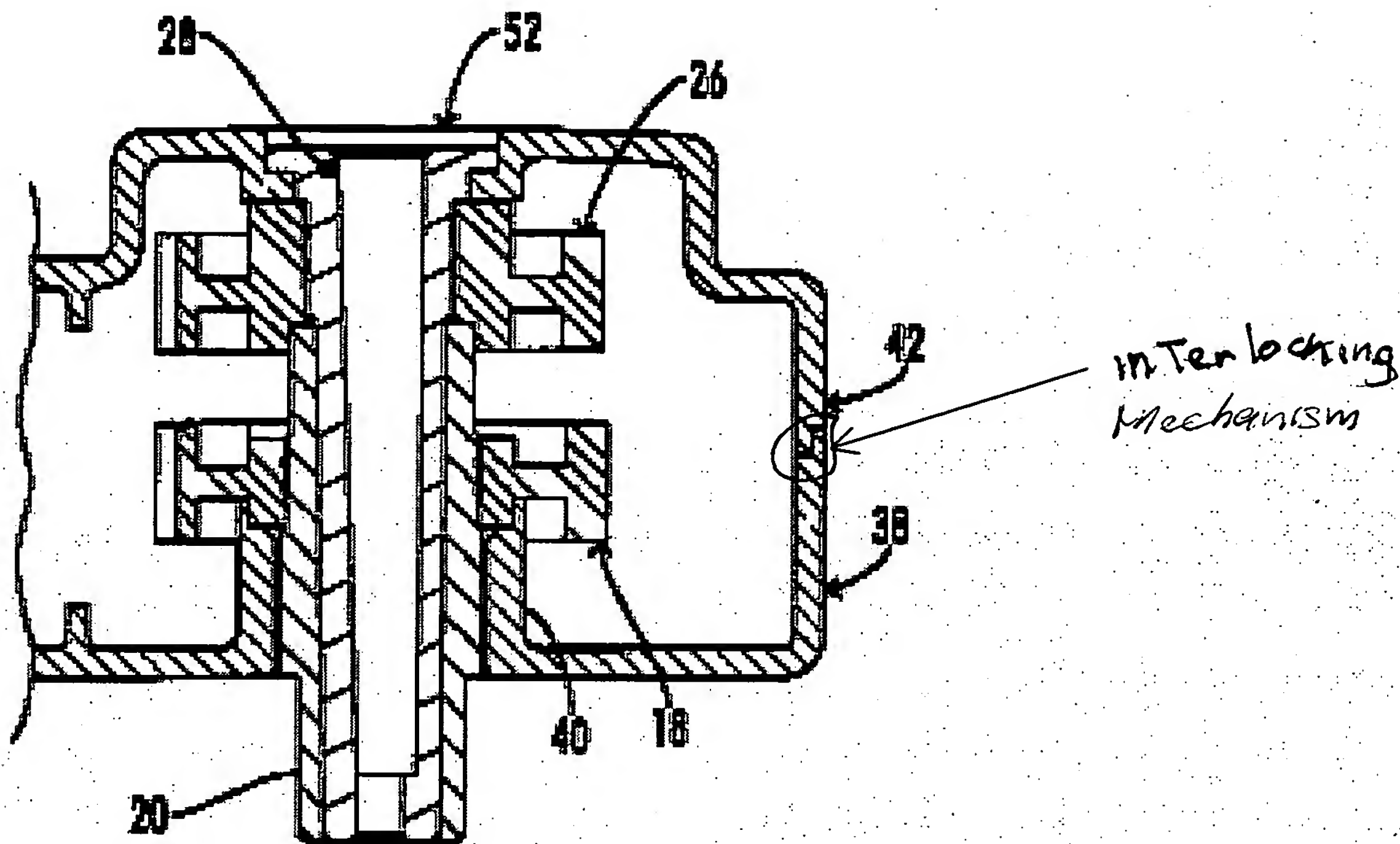
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mckernon et al. disclose a casing comprising a first base member and a second base member wherein each having an interlocking member therebetween.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Marcus Charles  
Primary Examiner  
Art Unit 3682  
September 29, 2006



**FIG. 5**



